

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-090882
	:	TRIAL NO. B-0905031
Plaintiff-Appellee,	:	
vs.	:	
	:	<i>JUDGMENT ENTRY.</i>
KENNETH SHARP,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant Kenneth Sharp pleaded guilty to one count of trafficking in marijuana, a second-degree felony, in violation of R.C. 2925.03(A)(2). In exchange for Sharp's guilty plea, the state agreed to dismiss a second count of possession of marijuana in violation of R.C. 2925.11(A). At the plea hearing, the trial court conducted the required voluntariness colloquy, accepted the plea, and found Sharp guilty. The trial court then sentenced Sharp to eight years in prison.

After reviewing the record and the applicable law, Sharp's appointed counsel, pursuant to *Anders v. California*,² states in her brief that she has found no errors in the proceedings below. Appellate counsel has communicated her conclusion to

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² (1967), 386 U.S. 738, 87 S.Ct. 1396.

Sharp, afforded him the opportunity to “raise any points that he chooses,” and moved this court for permission to withdraw as counsel.³

By entry, this court has permitted Sharp to file pro se a document styled as an appellate brief raising four assignments of error. Pursuant to the procedure identified in *Anders v. California* and in our decision in *In re Booker*,⁴ we consider Sharp’s pro se filing as an addendum to the brief filed by his appointed counsel, raising additional legal points for consideration by this court.

Based upon our review of the record, we concur in counsel’s conclusion that the proceedings below were free of error prejudicial to Sharp.⁵ We, therefore, overrule counsel’s motion to withdraw from her representation of Sharp and affirm the judgment of the trial court.

Although we have concluded that this appeal is frivolous pursuant to App.R. 23 and without “reasonable cause” under R.C. 2505.35, we refrain from taxing costs and expenses against Sharp because it appears from the record that he is indigent.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

SUNDERMANN, P.J., HENDON and MALLORY, JJ.

To the Clerk:

Enter upon the Journal of the Court on June 30, 2010
per order of the Court _____.
Presiding Judge

³ Id. at 744.

⁴ (1999), 133 Ohio App.3d 387, 390-391, 728 N.E.2d 405.

⁵ Id.